

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: JULY 26, 2007

Committee Members Present:

Supervisors Tessier
Bentley
O'Connor
Stec
Kenny
Mason
VanNess

Others Present:

Robert Iusi, Director, Probation Dept.
Kathleen Hogan, District Attorney
William Thomas, Chairman
Hal Payne, Commissioner, Administrative &
Fiscal Services
Joan Sady, Clerk, Board of Supervisors
Supervisor Geraghty
Katy Goodman, Secretary to the Clerk

Mr. Tessier called the Criminal Justice Committee meeting to order at 11:07 a.m.

Motion was made by Mr. O'Connor, seconded by Mr. Kenny and carried unanimously, that the minutes of the previous meeting be approved, subject to correction by the Clerk.

Privilege of the floor was extended to Robert Iusi, Director of the Probation Department. Mr. Iusi distributed copies of his Agenda for the meeting to the Committee members, a copy of which is on file with the minutes.

Pursuant to Agenda Item No. 1, Mr. Iusi requested approval of a resolution to amend Resolution No. 55 of 2007 which had authorized a memorandum of understanding (MOU) between the Department of Social Services and the Probation Department for preventive services. He apprised the figure in the Resolution for the services was \$49,296.65. However, Mr. Iusi apprised the correct figure should be \$75,841.

Following brief discussion, motion was made by Mr. Mason, seconded by Mr. VanNess and carried unanimously to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A resolution request form and a copy of Resolution No. 55 of 2007 are on file with the minutes.

Next, Mr. Iusi requested approval of a resolution to authorize an agreement with the State Division of Probation and Correctional Alternatives (DPCA) for State aid to the Department in the amount of \$200,300. (Agenda Item No. 2).

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. A resolution request form and a copy of a letter from the DPCA are on file

with the minutes.

Mr. Iusi stated he had another item for the Committee members' approval that was not on the Agenda and he had spoken to Mr. Tessier about it. He explained the Department Heads had been advised of the County's new policy that Committee approval is now required for departments to host any meetings or conferences outside of the Municipal Center which would involve meal or room expenses paid by the County. Mr. Iusi noted a form for the Committee Chairman's signature was also required to confirm the Committee members' approval of such requests. *(Note: Resolution No. 456 of 2007 established the policy).*

Relative to the policy, Mr. Iusi advised that today the Probation Department was hosting a meeting and luncheon for the meeting participants at the Washington County Municipal Center in connection with the System Mapping for Shared Services Mental Health grant. He noted the grant was for \$50,000. Mr. Iusi advised that food and beverages would be provided for the meeting participants and the costs would not exceed \$90. He requested the Committee members' approval to host the meeting.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the aforementioned request, as presented. A copy of the Request to Host Meeting or Conference form is on file with the minutes.

Hal Payne, Commissioner of Administrative and Fiscal Services, entered the meeting at 11:11 a.m.

Privilege of the floor was extended to Kathleen Hogan, District Attorney, who distributed copies of her Agenda to the Committee members. A copy of the Agenda is on file with the minutes.

Ms. Hogan stated she had received a list of Pending Items from the Clerk of the Board of Supervisors' Office which would be addressed in some of her Agenda items. A copy of the Pending Items List is on file with the minutes.

Ms. Hogan noted Agenda Items No. 1 and 2 were intertwined as they both concerned issues relative to sex offender cases, legislation and school board policies. She reminded the Committee members that Mr. Tessier had proposed that a workshop be held to discuss the connection between the Meghan's Law notification process and the protection of the rights of all parties involved in such cases. In addition, Ms. Hogan recalled, in view of a local situation which had involved a sex offender who was a parent and therefore entering the school, it had been decided that she would contact Dr. John Stoothoff (*BOCES Superintendent*) and local school boards about implementing a policy relating to the (County's) new legislation on sex offenders. *(Note: Local Law No. 7 of 2006, a Local Law Establishing Residency and Employment Restrictions for Sex Offenders Who Have Committed Criminal Offenses Against*

Minors was enacted by the Board of Supervisors on July 14, 2006.)

Ms. Hogan continued. She stated that Dr. Stoothoff had advised her there were no school policies in place relative to the issue of sex offenders. He referred her to the attorneys for the State School Board's Association, Pillar, Sokol and Jay Worona.

Ms. Hogan discussed the issue of scheduling a one-time workshop between the Board of Supervisors, law enforcement representatives, attorneys and educational representatives to discuss the aforementioned issue. She asked if that would be consistent with the Committee members' request.

It was the consensus of the Committee members that they would like the proposed workshop to be held. Dialogue ensued between Ms. Hogan and Joan Sady, Clerk of the Board of Supervisors, about scheduling the workshop sometime in August. Ms. Sady explained that because the budget review meetings would be held from August 20th through 28th, the workshop would have to be held either before the 20th or after the 28th. Ms. Hogan noted she could forward the information on the issue to the workshop participants before August 28th and they could meet sometime after that date.

Mr. Tessier questioned how many people would attend the workshop. Ms. Hogan responded it would include Dr. Stoothoff, who would disseminate the information to the schools, representatives from the Sheriff's Office, the State Police, the Glens Falls Police Department as well as any Committee members who might be interested. She concluded the workshop would be scheduled after August 28th but before the first day of school.

Pursuant to Agenda Item No. 3, Ms. Hogan spoke on the issue of the State Consolidation Plan for local justice courts. She reported that she had spoken with Kevin Engel, Counsel for Senator DeFrancisco's office relative to the status of the Plan. Ms. Hogan advised she was told that the Senate had passed a number of bills which had addressed the issue of consolidating all the Town Courts in the County into a centralized District Court. However, she said, she was also informed that the legislation was not expected to reach the Governor's desk this year and perhaps action might be taken in 2008, but there may also be no action taken at any time. Ms. Hogan advised she would receive a clearer update on the Plan from the Senator's Office and she would stay in contact with the Senator's counsel, and pass further information to the Committee members as it became available.

Ms. Hogan confirmed for Mr. Mason that the consolidation would eliminate all the Town Justice positions in the County. She stated under the Consolidation Plan all misdemeanor offenses would be handled in a District Court and the Town Courts would handle only small claims and traffic matters. Ms. Hogan advised there were two different scenarios being considered. The first, she said, turned everything over to the district courts. The second scenario transferred

criminal violations only to the district courts, she said. Ms. Hogan noted it could be questioned whether the District Court System would save any money. She advised it would save prosecution and defense costs because the attorneys would not have to go to so many Courts. Ms. Hogan noted that the cases would move more quickly because lawyers would be the judges and not lay people. However, she commented, there was not a political push for the Consolidation Plan.

Next, Ms. Hogan spoke on the issue of Social Hosting Liability laws (Agenda Item No. 4). She advised that currently under the local ordinance for this type of offense the penalty was up to a \$250 fine or 15 days in jail and it was at the discretion of the judge. She noted in these cases anyone over age 16 could be considered as an adult. Ms. Hogan advised if the Committee members would like to enact a law she had a considerable amount of information on the matter that could be given to Paul Dusek, the County Attorney. She explained that currently the question concerned the issue of having proof that alcohol was provided to minors. A store receipt for an alcohol purchase broadened the party's responsibility, she added. Ms. Hogan noted the City of Long Beach, New York had such a law. Mr. Kenny stated he had asked Ms. Hogan to look into deaths from car accidents in the County that were alcohol related.

Motion was made by Mr. VanNess and seconded by Mr. Stec to approve the drafting of a County Social Hosting Liability Law by the County Attorney.

Dialogue ensued between Ms. Hogan and Mr. O'Connor on various aspects of the law. She confirmed that anyone over 16, for example an older brother, would be considered an adult if they were in charge of the premises in the absence of the parents. Ms. Hogan explained that an important component of the enforcement of the Social Hosting Law was whether or not the adult was aware of the activity at their premises.

Mr. O'Connor asked if a law would allow for arrests to be made. Ms. Hogan responded she would be sure she was comfortable with verbiage and that it would pass constitutional muster. Mr. O'Connor asked if the language could be as stringent as possible as he did not want a mere slap on the wrist for a violation. Ms. Hogan said she would confer with Mr. Dusek and provide him with what Stillwater had adopted for a law and to determine what part of it was challenged.

Mr. Iusi left the meeting; and Mr. W. Thomas entered the meeting at 11:21 a.m.

Discussion ensued, and Ms. Hogan stated that a local ordinance was returnable in the justice courts where the offense had been made. It could be easily argued that for a second offense incarceration would be needed if injuries arose out of an incident.

Mr. Bentley questioned what would happen if an incident occurred on someone's property and

the offender was not related to the owner. Ms. Hogan replied the liability would run to the owner of the property, if the owner had knowledge or reason to know of the party.

Mr. Payne left the meeting at 11:29 a.m.

Discussion continued and concern was voiced over justice courts not taking the case seriously and only imposing a minimum fine. Ms. Hogan responded they could not legislate away the judge's discretion and they would want to make sure the law would have a deterrent effect without overstepping their bounds and that it would hold up to judicial scrutiny. She reiterated she would provide the information on the law to Mr. Dusek.

Mr. Tessier called the question and the motion to approve that the County Attorney draft a Social Hosting Liability Law for the Committee members' review was carried unanimously.

Pursuant to Agenda Item No. 6, Personnel, Ms. Hogan reminded the Committee members that she had been given permission to fill the vacant 6th Assistant District Attorney position in the Office. She reported she had begun the interview process and she would like to interview some potential candidates from Albany Law School before she made a final selection.

Ms. Hogan requested approval to submit an application to the New York State Division of Criminal Justice Services (DCJS) for a Safe Child Program grant in the amount of \$15,000 (Agenda Item No. 5). She explained the grant would be used to purchase computer equipment, software and materials to produce safe child ID cards for parents and guardians. Ms. Hogan apprised the grant would not require any local funds.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the aforementioned request, as presented, and to authorize the necessary resolution for the next board meeting. Copies of a resolution request form and the grant application are on file with the minutes.

General discussion ensued.

Concluding the agenda (Item No. 7), Ms. Hogan requested the Committee members' permission to travel to Syracuse to instruct a course at the NYPTI (New York State Prosecutor's Training Institution) and to authorize the newest Assistant District Attorney (ADA) in the Office to attend the Institution for required training. She apprised there would be no cost to the County.

Privilege of the floor was extended to Joan Sady, Clerk of the Board of Supervisors, who advised Ms. Hogan that pursuant to discussion at the last Committee meeting a resolution had been adopted that authorized the aforementioned travel, for her to instruct the course and for

all the ADA's in the Office to attend the required training. (*Note: Resolution No. 434 of 2007 was the authorizing Resolution*).

Next, Ms. Hogan requested approval of a Transfer of Funds in the amount of \$10,000 in order to transfer funds from the IMPACT grant to the City of Glens Falls Police Department for the purpose of paying for overtime services provided by that Department in connection with a project that targeted local high crime areas. She apprised the total grant was for \$60,000.

Motion was made by Mr. Mason, seconded by Mr. Kenny and carried unanimously to approve the Transfer of Funds, as presented, and to refer it to the Finance Committee. A copy of the Transfer of Funds is on file with the minutes.

Lastly, Ms. Hogan requested approval of applications to enroll in job-related courses for employees of the Office, Justine Cording and Paulette Hayes.

Motion was made by Mr. VanNess, seconded by Mr. Bentley and carried unanimously to approve the aforementioned requests, as presented, and to refer them to the Personnel/Human Resources Committee. Copies of Application for Approval to Enroll in Job Related Courses by Employee are on file with the minutes.

There being no further business to come before the Committee, on motion by Mr. VanNess and seconded by Mr. Mason, Mr. Tessier adjourned the meeting at 11:41 a.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk